

**Meeting of the Central Valley Flood Protection Board  
December 19, 2008**

**Draft Staff Report  
DWR Floodway Protection Section**

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Item

Application No. 18379 requesting Central Valley Flood Protection Board approval of an encroachment permit (Attachment A) to attach an 8-inch ductile iron water pipe to Cole Drive Bridge across Mosher Slough.

Applicant

San Joaquin County Department of Public Works

Location

The project is located in Stockton, east of Highway 99 on Cole Drive. (Mosher Slough, San Joaquin County, see Attachment B).

Description

An 8-inch ductile iron water pipe is proposed to be mounted to the east side of the Cole Drive Bridge across Mosher Slough. The pipe will run from the intersection of Cole Drive and Mosher Drive along Cole Drive ending at its intersection with Ashley Way. A water meter vault will also be installed approximately 40 feet to the north of the top of the north (right) bank of the slough. The project will provide an inter-tie to enhance potable water reliability and water quality in an existing developed housing subdivision.

Agency Comments and Endorsements:

- The San Joaquin County Flood Control and Water Conservation District endorsed this application on June 4, 2008 (Permit Exhibit A).
- The U. S. Army Corps of Engineers endorsed this application on October 20, 2008, (Permit Exhibit B).

Proposed CEQA Determination of Exemption:

Board staff has prepared the following CEQA determination:

The San Joaquin County Department of Public Works, as lead agency under CEQA, approved the project (Morada Interconnection Project) on April 13, 2006 and determined that the project was categorically exempt under a Class 15301(c) exemption for minor alteration of existing facilities.

The California Department of Health Services, separately acting as a lead agency under CEQA, approved a Proposition 50 grant for the project (Morada Inter-tie Project, SCH #2008088103) on August 8, 2008 and determined that the project was categorically exempt under a Class 15301 exemption.

The Board, acting as a responsible agency under CEQA, has reviewed the County and State determinations and has independently determined that the project is exempt from CEQA under a Class 15301(d) exemption for minor alteration of existing facilities as well as a Class 15303(d) exemption for new construction of utility extensions.

Section 8610.5 Compliance

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on the entire State Plan of Flood Control:

This project has no effects on the State Plan of Flood Control.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

None.

Staff Recommendation

Staff recommends that the Board determine the project to be exempt from CEQA and to approve the permit.

List of Attachments

- A. Permit
- B. Location maps and photos

**DRAFT**

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
**CENTRAL VALLEY FLOOD PROTECTION BOARD**

**PERMIT NO. 18379 BD**

**This Permit is issued to:**

San Joaquin County Department of Public Works  
1810 East Hazelton Avenue  
Stockton, California 95205

To attach an 8-inch-diameter ductile iron water pipe to Cole Drive Bridge across Mosher Slough. The project is located in Stockton, east of Highway 99 on Cole Drive (Section 6, T2N, R7E, MDB&M, San Joaquin County Flood Control and Water Conservation District, Mosher Slough, San Joaquin County).

**NOTE:** Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project described above.

(SEAL)

Dated: \_\_\_\_\_

\_\_\_\_\_  
Executive Officer

**GENERAL CONDITIONS:**

**ONE:** This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

**TWO:** Only work described in the subject application is authorized hereby.

**THREE:** This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

**FOUR:** The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and the Central Valley Flood Protection Board.

**FIVE:** Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of the Central Valley Flood Protection Board.

**SIX:** This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 day's notice.

**SEVEN:** It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

**EIGHT:** This permit does not establish any precedent with respect to any other application received by the Central Valley Flood Protection Board.

**NINE:** The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

**TEN:** The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

**ELEVEN:** The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

**TWELVE:** Should any of the work not conform to the conditions of this permit, the permittee, upon order of the Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

#### **SPECIAL CONDITIONS FOR PERMIT NO. 18379 BD**

**THIRTEEN:** All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Central Valley Flood Protection Board.

**FOURTEEN:** The Central Valley Flood Protection Board, Department of Water Resources, and San Joaquin County Flood Control & Water Conservation District shall not be held liable for any damages to the permitted encroachment(s) resulting from flood fight, operation, maintenance, inspection, or emergency repair.

**FIFTEEN:** The permittee is responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend and hold harmless the State of California, or any departments thereof, from any liability or claims of liability associated therewith.

**SIXTEEN:** The permittee shall be responsible for repair of any damages to Mosher Slough and other flood control facilities due to construction, operation, or maintenance of the proposed project.

**SEVENTEEN:** The permittee shall maintain the permitted encroachment(s) and Mosher Slough within the utilized area in the manner required and as requested by the authorized representative of the Department of Water Resources or any other agency responsible for maintenance.

**EIGHTEEN:** The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central Valley Flood Protection Board may remove the encroachment(s) at the permittee's expense.

NINETEEN: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Central Valley Flood Protection Board and Department of Water Resources, at the permittee's or successor's cost and expense.

TWENTY: The permittee shall contact the Department of Water Resources by telephone, (916) 574-1213, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

TWENTY-ONE: No construction work of any kind shall be done during the flood season from November 1 to April 15 without prior approval of the Central Valley Flood Protection Board.

TWENTY-TWO: The permitted encroachment(s) shall not interfere with operation and maintenance of the flood control project. If the permitted encroachment(s) are determined by any agency responsible for operation or maintenance of the flood control project to interfere, the permittee shall be required, at permittee's cost and expense, to modify or remove the permitted encroachment(s) under direction of the Central Valley Flood Protection Board or Department of Water Resources. If the permittee does not comply, the Central Valley Flood Protection Board may modify or remove the encroachment(s) at the permittee's expense.

TWENTY-THREE: No excavation shall be made or remain in the channel banks during the flood season from November 1 to April 15.

TWENTY-FOUR: The water pipe shall be placed in the center of an open trench 2 feet wider than the diameter of the water pipe or 2 times the diameter, whichever is greater.

TWENTY-FIVE: The pipe shall be buried at least 24 inches below the top of the channel banks.

TWENTY-SIX: The pipeline shall be tested and confirmed free of leaks by X-ray, pressure tests, or other approved methods during construction or anytime after construction upon request by the Central Valley Flood Protection Board.

TWENTY-SEVEN: Backfill material for excavations shall be placed in 4- to 6-inch layers and compacted to at least the density of the adjacent, firm, undisturbed material.

TWENTY-EIGHT: Backfill material for excavations within the channel banks shall be free of stones or lumps that exceed 3 inches in greatest dimension, organic matter, or other unsatisfactory material and shall be compacted to at least 90 percent relative compaction as measured by ASTM Method D1557-91.

TWENTY-NINE: The project site shall be restored to at least the condition that existed prior to commencement of work.

THIRTY: Any additional encroachment(s) on Mosher Slough require an approved permit from the Central Valley Flood Protection Board and shall be in compliance with the Central Valley Flood Protection Board's regulations (Title 23 California Code of Regulations).

THIRTY-ONE: The permittee shall comply with all conditions set forth in the letter from San Joaquin

Flood Control & Water Conservation District dated June 4, 2008, which is attached to this permit as Exhibit A and is incorporated by reference.

THIRTY-TWO: A letter from the Department of the Army dated October 20, 2008, attached to this permit as Exhibit B is in reference to this project.



SAN JOAQUIN COUNTY

**FLOOD CONTROL & WATER  
CONSERVATION DISTRICT**

P. O. BOX 1810

1810 EAST HAZELTON AVENUE  
STOCKTON, CALIFORNIA 95201  
TELEPHONE (209) 468-3000  
FAX NO. (209) 468-2989

THOMAS R. FLINN  
DIRECTOR OF PUBLIC WORKS  
FLOOD CONTROL ENGINEER

June 4, 2008

The Central Valley Flood Protection Board  
3310 El Camino Avenue  
Sacramento, California 95821

Attention: Mr. Mark Harold, Chief  
Floodway Protection Section

SUBJECT: CENTRAL VALLEY FLOOD PROTECTION BOARD  
PERMIT APPLICATION NO. 18379

Gentlemen:

Reference is made to the Central Valley Flood Protection Board Permit Application No. 18379 of San Joaquin County Department of Public Works to install an eight-inch diameter ductile iron water pipe across Mosher Slough. Pipe construction will begin at the intersection of Cole Drive and Mosher Drive; continue south along Cole Drive and Cole Drive Bridge, then end at Ashley Way. The pipe will be mounted on the east side of Cole Drive Bridge. A water meter vault is proposed, approximately 45 feet north of the bridge.

The project is located in the City of Stockton, along Cole Drive between Mosher Drive and Ashley Way, San Joaquin County, in Section 6 and 7, Township 2 North, Range 7 East, Mount Diablo Base and Meridian. The parcel is identified as Assessor's Parcel No. 086-560-41.

The San Joaquin County Flood Control and Water Conservation District (District) has reviewed the Central Valley Flood Protection Board Permit Application No. 18379 of San Joaquin County Department of Public Works and endorses the project subject to the following conditions:

1. The Permittee shall be responsible for any damage to Mosher Slough and its banks that may occur as a result of the project.
2. The District shall not be responsible for any damage to the facilities due to the District's operation and maintenance of Mosher Slough.
3. The District shall not be responsible for maintenance of any facilities related to this project.
4. The Permittee shall be responsible for the modification, maintenance, or possible removal of any of the facilities, as requested by the District, if required for any future flood control plans at the applicant's sole cost and expense.



The Central Valley Flood Protection Board -2-  
CENTRAL VALLEY FLOOD PROTECTION BOARD  
PERMIT APPLICATION NO. 18379

5. Future maintenance of the improvements free from seepage damage shall be the ongoing responsibility of the Permittee or its successors in interest.

If there are any questions regarding these conditions, please contact John Corey, Engineer III, at (209) 468-3060.

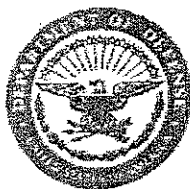
Sincerely,



STEVEN WINKLER  
Deputy Director/Operations

SW:JC:mk  
FM-8F006-M1

c: Larry Waddle, Channel Maintenance Superintendent  
John Corey, Engineer III

REPLY TO  
ATTENTION OFDEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO  
CORPS OF ENGINEERS  
1325 J STREET  
SACRAMENTO, CALIFORNIA 95814-2322

Flood Protection and Navigation Section (18379)

OCT 20 2008

Mr. Jay Punia, Executive Officer  
Central Valley Flood Protection Board  
3310 El Camino Avenue, Room LL40  
Sacramento, California 95821

Dear Mr. Punia:

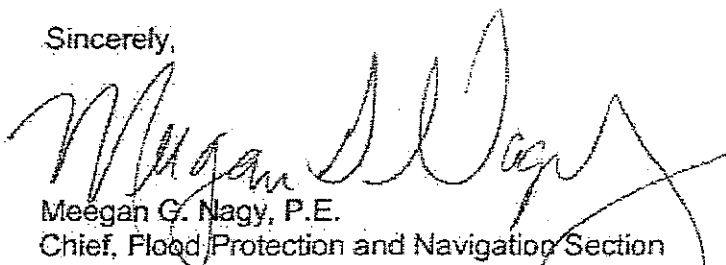
We have reviewed an application for a permit by San Joaquin County Department of Public Works (Application Number 18379). These plans include attaching an 8-inch diameter ductile iron water pipe to Cole Drive Bridge across Mosher Slough. The project is located in Stockton, east of Highway 99 on Cole Drive, at 38.0427°N 121.2528°W NAD 83, San Joaquin County, California.

The District Engineer has no comments or recommendations regarding flood control because the proposed work does not affect a federally constructed project.

A file (200800757) has been opened because a Section 10 and/or Section 404 permit may be required. Please advise the applicant to contact the U.S. Army Corps of Engineers, Sacramento District, Regulatory Division, 1325 J Street, Sacramento, California 95814, telephone (916) 557-5250.

If you have any questions concerning our comments on this permit application, please contact Ms. Meegan Nagy at (916) 557-7257 or Mr. Robert Murakami at (916) 557-6738.

Sincerely,

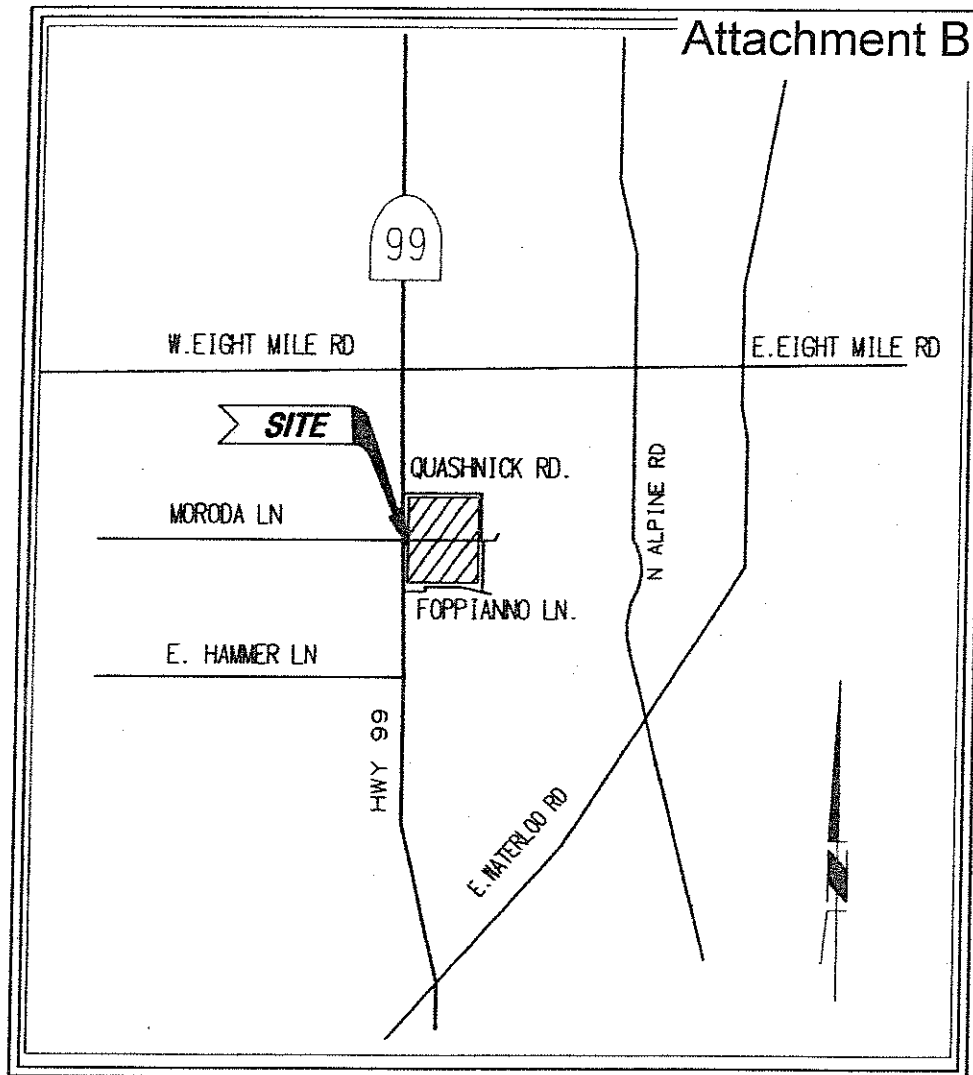


Meegan G. Nagy, P.E.  
Chief, Flood Protection and Navigation Section

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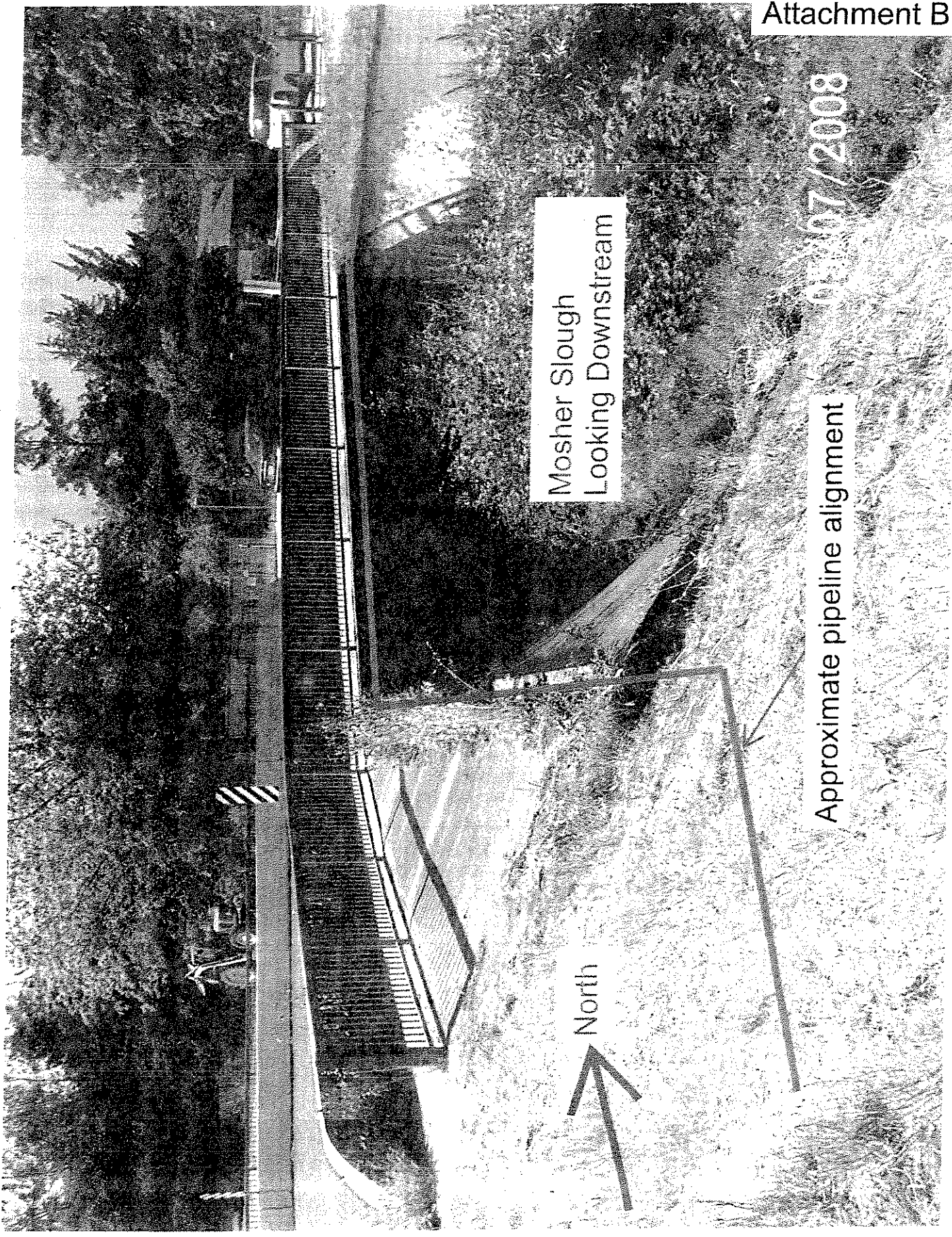
Mr. Jeremy Arrich, Chief, Flood Project Integrity and Inspection Branch,  
3310 El Camino Avenue, Suite LL30, Sacramento, CA 95821

Attachment B



**VICINITY MAP**

NOT TO SCALE



Mosher Slough  
Looking Downstream

Approximate pipeline alignment

North